

EXHIBIT A

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7 **IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
8 **IN AND FOR STORY COUNTY**

9
10 HERMAN MENEZES, LLC, a Nevada Limited
Liability Company

Case No. 21 OC 00001-1E

Dept. No. 1

11 Plaintiff,

12 vs.

13 BRESCIAN HAY COMPANY, INC., a Nevada
14 Corporation, and ALVIN A. BRESCIANI, an
Individual, and JUNG RANCHES, LLLP, an
15 Idaho Limited Liability Limited Partnership, and
DOE individuals 1-10 inclusive, and ROE
16 corporation 1-10, inclusive,

17 Defendant.
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19 **OPPOSITION TO MOTION PLAINTIFF HERMEN MENDEZ, LLC'S SECOND**
20 **MOTION FOR ORDER TO SHOWCAUSE WHY DEFENDANTS BRESCIANI HAY**
21 **COMPANY, INC., AND ALVIN BRESCIANI SHOULD NOT BE SANCTIONED**
22 **AND/OR HELD IN CONTEMPT OF COURT FOR FAILURE TO COMPLY WITH**
23 **COURT ORDERS**

24 **COMES NOW**, Defendant, ALVIN BRESCIANI by and through his counsel on record,
25 Cliff J. Young, Esq., and hereby files her OPPOSITION TO MOTION PLAINTIFF HERMEN
26 MENDEZ, LLC'S SECOND MOTION FOR ORDER TO SHOWCAUSE WHY
27 DEFENDANTS BRESCIANI HAY COMPANY, INC., AND ALVIN BRESCIANI SHOULD
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1 NOT BE SANCTIONED AND/OR HELD IN CONTEMPT OF COURT FOR FAILURE TO
2 COMPLY WITH COURT ORDERS. This opposition is based on the following points and
3 authorities, the record of the Court, and the pleadings on file herein.

4 POINTS AND AUTHORITIES

5 Defendant vehemently objects to the imposition of sanctions. When the Plaintiff filed a
6 Motion to Compel and/or for Sanctions for Refusal to Participate in the Framing of Discovery or
7 Make Initial Disclosures against the Defendant. The Courts held a hearing on August 2, 2021 and
8 issued its Order on August 4, 2021 ordering the Defendant to provide initial disclosures by
9 August 16, 2021. The Defendant has not demonstrated willful noncompliance. Defendant was
10 incarcerated on July 26, 2021 for violating probation, and possession of a stun gun. Defendant
11 had no access to gather evidence in this case or make payments because he is still incarcerated.
12 The defendant's incarceration is the reason he cannot respond to the Motion for Order to Show
13 Cause on September 27, 2021 from the Plaintiff. The Defendant's sentencing is not until
14 November 17, 2021, and he may be revoked from probation. It was not in bad faith that the
15 undersigned did not object or respond to the request for discovery. Mr. Busby was advised that
16 the Defendant didn't have any records to produce. The undersigned consented to the purposed
17 discovery and was under the impression that is why the Plaintiff's counsel has submitted the
18 "Joint Case Conference Report". Mr. Bresciani account has been closed and the bank is making
19 is not cooperating with undersigned to produce any requests. It was the undersigned intentions to
20 show a stopped payment on the check to Taylor Farm and the bank account was closed so he had
21 difficulty obtaining documents. The undersigned has been cooperating with Plaintiff's counsel.
22 The Defendant did not have and disclosures to produce and has not ignored any requests.

23 CONCLUSION

24 The undersigned has been cooperative with Plaintiff's counsel regarding requests of
25 documents, there just is not anything to produce.


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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned hereby affirms that this document does not contain the social security number of any person.

DATED this 5 day of November, 2021.


Cliff J. Young, Esq.
Attorney for ALVIN BRESCIANI

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Law Office of Cliff Young and on this date I caused the foregoing document to be delivered in the following manner:

X depositing a true copy thereof in sealed envelope, first-class postage prepaid, with the United States Postal Service at Reno, Nevada;

_____ personal delivery;

_____ electronic mailing;

_____ facsimile to the number(s) listed;

_____ Federal Express or other overnight delivery service;

_____ electronic service via Washoe County District Court E-Flex system;

addressed as follows:

Luke A. Busby, Esq.
316 California Ave.
Reno NV 89509.

DATED this 5 day of November, 2021.


Assistant to Cliff Young, Esq.